

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF INDIANA
INDIANAPOLIS DIVISION

ERNESTINE WALDON and
VERGIE SMALL,
Plaintiffs,

vs.

DONNA WILKINS, MD,
HEALTH OFFICER, DELAWARE COUNTY,
JOSHUA WILLIAMS,
DONALD DUNNUCK,
RODNEY BARBOUR, and
CARL BARBOUR, JR.,
Defendants.

1:07-cv-1329-LJM-WTL

ORDER ON MOTION TO DISMISS


This matter pends on the Motion to Dismiss filed by defendants, Donna Wilkins, MD; Health Officer, Delaware County; Joshua Williams, and Donald Dunnuck (collectively, "Defendants"). After the time for responding to the Motion to Dismiss had passed, plaintiffs, Ernestine Waldon and Vergie Small ("Plaintiffs"), sought and were granted permission to file a late response on or before February 25, 2008. No response has been filed as of the date of this Order.

This case is clearly one in which unsuccessful litigants in a state court proceeding re-filed their claims in federal court. Due process was available and exercised in the state court proceeding. The *Rooker-Feldman* doctrine deprives this Court of jurisdiction. Specifically, the *Rooker-Feldman* doctrine applies when a plaintiff seeks to appeal a state court judgment to a federal court. Here, the injury complained of clearly resulted from the state court judgment itself. As quoted to this Court by Defendants, "[A] litigant may not attempt to circumvent the effect of *Rooker-Feldman* and seek a reversal of a state court judgment simply by casting the complaint in the form of a civil rights

action." *Long v. Shorebank Development Corp.*, 182 F.3d 548, 554 (7th Cir. 1999).

For this reason, the Motion to Dismiss filed by Defendants is **GRANTED** with prejudice, costs against Plaintiffs. Defendants shall file their bill of costs within five days of the date of this Order.

IT IS SO ORDERED this 7th day of March, 2008.


LARRY J. MCKINNEY, JUDGE
United States District Court
Southern District of Indiana

Distributed electronically to:

Dale William Arnett
larnett1@verizon.net

James S. Stephenson
STEPHENSON MOROW & SEMLER
jstephenson@stephlaw.com

Ian L. Stewart
STEPHENSON MOROW & SEMLER
istewart@stephlaw.com

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Linda Stemmer
218 W. Pearl St.
P.O. Box 350
Union City, IN 47390